

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.J.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANGELA MELDRUM,

Respondent-Appellant,

and

GEORGE MINNIS,

Respondent.

UNPUBLISHED

March 13, 2003

No. 243454

St. Clair Circuit Court

Family Division

LC No. 2000-000780

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was not clearly in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence clearly demonstrated that respondent-appellant had not addressed her primary problem of substance abuse during the pendency of this case. Moreover, at the termination hearing, respondent-appellant had no verifiable income or housing. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Further, respondent-appellant was not denied a fair trial by the ineffective assistance of her counsel. Respondent-appellant argues that her appointed counsel was ineffective because counsel failed to make a sufficient effort to contact her before the hearing. Respondent-appellant also argues that she was prejudiced because after her counsel was dismissed, no one cross-

examined the witness or advocated for respondent-appellant in her absence. However, this Court held in *In re Hall*, 188 Mich App 217, 222; 469 NW2d 56 (1991), that MCR 5.915(B) requires an affirmative action by the respondent to request the appointment of counsel and to continue the relationship with the appointed counsel in all the hearings regarding the respondent's parental rights. A review of the record reveals that respondent-appellant minimally participated in the proceedings during this case and failed to affirmatively act to maintain an ongoing relationship with her appointed counsel. As a result, respondent-appellant terminated her relationship with her attorney by failing to maintain contact with her and to attend court hearings, "thereby waiving or relinquishing her right to counsel until such time as she reasserted her right." *Id.* Accordingly, this Court will not reverse the trial court's termination order on the basis of ineffective assistance of counsel.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage